

125855-2

REMARKS

Claims 1-37 are pending in the present Application. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-20, 28-34, and 37 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent Application No. 2002/0137840 to Adedeji et al. (Application 840). Applicants respectfully traverse this rejection.

The instant application was filed as a non-provisional on September 19, 2003 and claims priority to a provisional application that was filed on September 20, 2002. Application 840 was published on September 26, 2002, which is after the filing date of the provisional application. For a publication to be a reference under 35 U.S.C. § 102(b) the invention must be patented or described in a printed publication more than one year prior to the date of the application for patent in the United States. Because the filing date of the provisional application is prior to the publication date of Application 840 Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b) is improper and should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 24-27 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Application 840 in view of U.S. Patent Application No. 2002/0128368 to Adedeji et al. (Application 368) Claims 21-23, 35, and 36 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Application 840 in view of U.S. Patent Application No. 2002/0165317 to Adedeji et al. (Application 317). Applicants respectfully traverse this rejection.

Application 368 has a publication date of September 12, 2002, Application 840 has a publication date of September 26, 2002, and Application 317 has a publication date of November 7, 2002, all of which are either after or less than a year before the provisional filing date of the instant application (September 20, 2002). Accordingly Applicants believe that all

125855-2

of the references qualify, at best, as art under 35 U.S.C. § 102 (e), making the above rejection under 35 U.S.C. § 103(a) improper. At best a rejection under 35 U.S.C. § 103(c) could be made. In anticipation of this rejection we wish to point out that the instant Application (Serial No. 10/667,265) and Applications 840, 368, and 317 were, at the time the invention of the instant application was made, owned by General Electric.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862.

Respectfully submitted,

CANTOR COLBURN LLP

By Patricia S. DeSimone
Patricia S. DeSimone
Registration No. 48,137

Date: March 29, 2004
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No.: 23413